

F. ALIEN EMERGENCY MEDICAL PROGRAM (AEM)

Effective September 12, 2002

WAC 388-438-0110 The alien emergency medical (AEM) program.

- (1) The alien emergency medical (AEM) program is a federally-funded program. It is for aliens who are ineligible for other Medicaid programs, due to citizenship or alien status requirements described in WAC 388-424-0005 and 388-424-0010.
- (2) Except for the Social Security Number, citizenship, or alien status requirements, an alien must meet categorical Medicaid eligibility requirements as described in:
 - (a) WAC 388-505-0110, for an SSI-related person;
 - (b) WAC 388-505-0220, for family medical programs;
 - (c) WAC 388-505-0210, for a child under the age of nineteen; or
 - (d) WAC 388-523-0100, for medical extensions.
- (3) When an alien has monthly income which exceeds the CN medical standards, the department will consider AEM medically needy coverage for children or for adults who are age sixty-five or over or who meet SSI disability criteria. See WAC 388-519-0100.
- (4) To qualify for the AEM program, the alien must have:
 - (a) An emergency medical condition as described in WAC 388-500-0005; or
 - (b) Been approved by the department as requiring nursing facility or COPES level of care.
- (5) The alien's date of arrival in the United States is not used when determining eligibility for the AEM program.
- (6) The department does not deem a sponsor's income and resources as available to the client when determining eligibility for the AEM program. The department

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| counts only the income and resources a sponsor makes available to the client. |
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CLARIFYING INFORMATION

1. When an alien meets Medicaid program criteria but is ineligible to receive benefits under that program due to alien status or due to the deeming of a sponsor's income or sponsor's resources, they are considered "related to" that Medicaid program. In order to be eligible for the Alien Emergency Medical (AEM) program, a person must:
 - a. Have an emergency medical condition. (Refer to the list of emergency medical conditions in the Medically Indigent section); and
 - b. Be related to one of the following Medicaid programs:
 - (1) Family medical program (F04);
 - (2) Children's medical program (F06); or
 - (3) SSI-related medical program (S02).
 - (4) Institutionalized medical program – Nursing home (L02) or COPES (C01).
2. When an alien is eligible for the pregnant women's medical program (P04), use that program rather than the AEM program.
3. When the countable income exceeds the standards for CN medical, consider Medically Needy (MN) coverage for children (F99) or for adults who meet the SSI age or disability criteria (S99, L95 or L99 for nursing home clients). See **SPENDDOWN**.

WORKER RESPONSIBILITIES

1. Ask yourself if the alien would be eligible for Medicaid if they were a citizen. If the answer is YES, the person is "related to" a Medicaid program. If the person has an emergency medical condition, determine eligibility for the AEM program. Refer to

the list of emergency medical conditions in the Medically Indigent (MI) section. When the person has received either inpatient hospital services or hospital emergency room services for one of the emergency medical conditions listed in the MI section, the worker can make the decision that an emergency medical condition exists. When the person claims an emergent medical condition and the medical condition is not included on the list or the person has not received hospital-based services, refer to the Medical Consultant as described in the MI section.

2. Determine AEM eligibility before considering the Medically Indigent (MI) program because it offers better coverage.

Alien Emergency Medical (AEM)

- Federally funded
- CN scope of care -
Limited to treatment of the emergency
- Multiple three-month certification periods
- No spenddown
- No EMER

Medically Indigent (MI)

- State funded
- Hospital-based services and
emergency transportation only
- Limited to one three-month
certification in a twelve month period
- May have spenddown
- \$2000 EMER

NOTE: For a child's case that trickles to F99 or for a case that trickles to S99, the client will have a spenddown liability and MN scope of care.

3. Do not authorize MI while a DDDS decision is pending for the determination of SSI-related disability. Authorize MI only after you have determined the alien is not eligible for CN or MN coverage under the AEM program.

Examples of a Person Eligible for AEM Program:

1. An undocumented alien child under age 19 is ineligible for children's CN medical (F06) because of their alien status. When the family income is under 200%FPL, the child is "related to" the children's CN medical program (F06).

If the child also has an emergency medical condition, AEM can be authorized under the (F09) medical coverage group.

Should countable income exceed CN standards, the child may be considered for F99 MN coverage.

2. An alien family is not eligible for CN Family Medical (F04) because of their alien status. Even though the family is not eligible for a family medical program because of their alien status, they remain "related to" a Medicaid program by meeting the categorical requirements including income and resource standards. If one or more of them have an emergency medical condition, AEM can be authorized for the person(s) with the emergency medical condition under the F09 medical coverage group.

NOTE: If the mother is pregnant, consider the pregnancy medical program (P04) before AEM.

3. A Lawful Permanent Resident (LPR) entered the US six months ago. This person was hospitalized for an emergency medical condition, and appears to be disabled. Do a referral to DDDS to determine if the person meets SSI disability criteria. When DDDS confirms the disability decision, the person becomes "related to" a Medicaid program. AEM can be authorized under the S07 medical coverage group. Should countable income exceed CN standards, the person may be considered for MN coverage. Do not count a sponsor's income or resources when determining eligibility for AEM.
4. Example: The client applies again after the three-month certification. While the person continues to meet disability criteria and has a chronic illness, the person does not meet the criteria for an emergent medical condition. The person may reapply later if they have another emergent medical condition.
5. An undocumented alien, age 67, requires nursing facility care. Nursing facility care is considered an emergency medical condition and an aged person is related to a Medicaid program. AEM can be authorized under the L04 medical coverage group.

Examples of a Person Ineligible for AEM Program:

1. An undocumented woman with no children, age 27, was hospitalized for an emergency medical condition. She is out of the hospital and is healthy now. She is **not** related to any Medicaid program. Do **not** consider the AEM program. Refer to

the MI section of this category.

2. A family applies for medical. The family members are legal immigrants currently in the five-year ban for Medicaid. The family consists of Mom, Dad and two children. The father's earned income is \$1375 per month. The mother has an emergency medical condition and her doctor wants her to have several medical tests. The family is ineligible for the CN family medical program (F04) because of alien status and family income exceeds the income standard. Do **not** consider eligibility for AEM. Refer to the MI section in this category if she is hospitalized.